

REMARKS

I. Status of the Application

Claims 60, 66-71, 73-78 and 80-104 are currently pending. Amendments to those claims are discussed below.

Applicants first thank the Office for withdrawing several previous rejections and allowing claims 73-74, 91-95, and 99-100, and for considering the Information Disclosure Statement of January 30, 2004. (Office Action at page 2.)

Applicants now present additional amendments to claims 60, 66, 67, 75, 76, and 96, and also cancel claim 79. These amendments are directed to matters of grammatical form, rephrase certain terms, or remove redundant language. Therefore, they do not alter the scope of the pending claims, insert new matter, or require a further search of the art. The amendments are supported by the application as a whole.

In claims 60, 66, 67, 76, and 96, the phrase “administering . . . intimin protein to a host to generate anti-intimin antibodies” is replaced with “administering . . . to an animal . . .” One of ordinary skill in the art would recognize that, because only animals are capable of making antibodies, a “host” and an “animal” are equivalent. Thus, this change does not affect the scope of the claims. Particular support for the word “animal” may be found at page 18, lines 18-19, which states that “[u]nless specified otherwise, the uses and methods set forth herein are generally applicable to humans and animals.” (See page 5, paragraph [069] of the corresponding published application US 2002/0006407.)

Claim 75 is amended to delete the phrase “birthing the offspring.” This phrase is unnecessary as it is inherent in the claimed method of preparing the offspring as a food source. Thus, this change also does not affect the scope of the claims.

Claim 79 is canceled. Its cancellation also does not affect the claim scope, as breeding of food mammals is inherent in the production of a safer food source as described in claim 76.

Finally, claims 60, 76, and 96 are amended, as the Office suggests, to replace semi-colons prior to wherein clauses with commas. This is simply a stylistic change that does not alter the relationships between the clauses of the claims, and therefore also does not affect their scope.

Applicants respectfully request the entry of these amendments and the allowance of the remaining claims.

II. Objections to Claims 60, 76, and 96 Are Moot

The Office objects to these three claims for containing semi-colons rather than commas prior to wherein clauses. (Office Action at pages 2-3.) The amendments to claims 60, 76, and 96 render this objection moot. Thus, Applicants request its withdrawal.

III. Claims 60, 71, 76, 78-90, 96-98, and 101-104 Are Supported and Enabled

The Office rejects several claims under 35 U.S.C. § 112, First Paragraph, contending that the word “host” in the phrase “administering enriched or purified intimin protein to a host to generate anti-intimin antibodies” is insufficiently supported by the application and renders claims 60, 71, 76, 78-90, 96-98, and 101-104 non-enabled.

(Office Action at pages 3-4, ¶¶ 8-16.) The Office asserts that the word “host” describes bacterial cells, but does not describe animals to which the intimin protein is administered. The Office concludes that there is no support or enablement for administering an antigen to a bacterial cell to generate antibodies. This rejection is now moot, as Applicants have amended the claims to recite “administering . . . to an animal . . .” rather than “administering . . . to a host.”

IV. Claim 75 is Supported

The Office also rejects claim 75 under 35 U.S.C. §112, First Paragraph, contending that the specification does not describe the process of “birthing the offspring.” (Office Action at pages 4-5, ¶ 17.) This rejection is also moot, as Applicants have removed that phrase from the claim.

V. Claim 66 is Definite

The Office contends that claim 66 is indefinite under 35 U.S.C. §112, Second Paragraph, due to the term “wildlife” as a type of “host” (now “animal”) to which the intimin protein is administered. (Office Action at pages 5-6.) The Office contends that “wildlife” is not disclosed or defined in the instant specification.

Applicants respectfully traverse this rejection, and draw the Office’s attention to the specification at page 18, line 18, to page 19, line 2, which states that “[u]nless specified otherwise, the uses and methods set forth herein are generally applicable to humans and animals,” and that “animals are not limited to domesticated animals but also may include wildlife and laboratory animals.” (This text may also be found at page

5, paragraph [069] of the corresponding published application US 2002/0006407.)

Thus, the term “wildlife” is supported and defined in the application.

Claim 75 further defines the scope of the term “wildlife.” For example, the Office asserts that “wildlife” refers to “animals and plants that grow independently of people.” In this case, because “wildlife” is a type of animal to which intimin protein will be administered for generation of antibodies, “wildlife” cannot be a plant. Second, the Office contends that it is unclear how one would collect and administer anti-intimin antibodies from the wild animal to the patient because wild animals are not domesticated. Yet, humans often manage the health of wild animals. For example, animals such as deer are frequently captured in the wild and administered medicines in order to prevent transmission of diseases to domesticated animals and humans. Therefore, the term “wildlife” is defined by the application, and is definite. Applicants request the withdrawal of this rejection.

VI. Rejection of Claim 79 is Moot

The Office contends that claim 79 is not supported under 35 U.S.C. § 112, First Paragraph. (Office Action at pages 6-7.) Applicants have canceled that claim, and thus the rejection is moot.

VII. Claims 66-71 and 77-90 are Definite

Finally, the Office asserts that claims that recite the word “host” for the animal to which the intimin protein is administered are indefinite under 35 U.S.C. §112, Second Paragraph. (Office Action at page 7.) This rejection is also moot, as the word “host” has been changed to “animal” throughout the pending claims.

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In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any required fees not found herewith or otherwise accounted for to Deposit Account No. 06-0916.

Respectfully submitted,

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